

have allowed for easy visibility into the same. The defendant pushed the chamber door into and struck the HOD doorman, Logan Casterline, as he entered the chamber. After the incident, Mr. Casterline complained of pain and sought medical attention, on site and at a local hospital. Delegate Sharon Malcolm was interviewed after the incident and stated that while she was in the chamber, as the session was starting, the defendant stepped around her and advised her to get the "F" out of his way. She stated he then took his elbow and pushed her out of his way. She stated that she was out of his way and that he had to come up behind her in order to hit her with his elbow. She stated that she was already around her and had to turn to strike her. Delegate Malcolm stated that she wasn't initially hurt, but she was sore, and later advised the Capitol Police that she had sought medical attention for pain that she had been experiencing on the right side of her chest and shoulder, which is the area the defendant struck her. Delegate Malcolm has further advised, that she has continued to experience pain, and is still under physician's care for this injury. Based on information obtained from witness statements, the complainant believes that a battery occurred on Sharon Malcolm and Logan Casterline.

5. While Defendant disputes many of the allegations made in the CRIMINAL COMPLAINT, there is no dispute that this alleged incident occurred while the West Virginia House of Delegates was in session, when Defendant was entering the chambers of the House of Delegates to participate in the session, and indisputably occurred while Defendant was acting within the legislative sphere.
6. The "legislative sphere" is defined in W.Va.Code §4-1A-4 as "all activities that are an integral part of the deliberative and communicative processes by which members of the Legislature participate in committee and house proceedings with respect to the consideration and passage or rejection of proposed legislation or with respect to other matters which the Constitution places within the jurisdiction of either house."
7. Being physically present in the chamber of the House of Delegates is an "integral part of the deliberative and communicative processes by which members of the